

SENATE BILL REPORT

SB 5560

As Passed Senate, February 2, 2022

Title: An act relating to procedures for approval and submission of the redistricting plan.

Brief Description: Concerning procedures for approval and submission of the redistricting plan.

Sponsors: Senators Pedersen, Wilson, J., Billig, Hunt, Kuderer, Mullet and Randall.

Brief History:

Committee Activity: State Government & Elections: 1/19/22, 1/21/22 [DP].

Floor Activity: Passed Senate: 2/2/22, 47-0.

Brief Summary of Bill

- Requires that the Redistricting Commission (Commission) to make any plan publicly available for 72 hours prior to voting to approve it.
- Requires any amendments to that plan to be debated and voted on in open session.
- Requires at least 24 hours to pass after any amendments to a redistricting plan are adopted before a vote on final approval.
- Requires that the Commission's submission of a plan to the Legislature include maps and census unit descriptions.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Wilson, J., Ranking Member; Hasegawa and Hawkins.

Staff: Samuel Brown (786-7470)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Redistricting Commission. The state Redistricting Commission (Commission), established by constitutional amendment, provides for the redistricting of state legislative and congressional districts every ten years based on the federal decennial census. The Commission is composed of five members. The legislative leaders of each of the two largest political caucuses in each house of the Legislature appoint one person to the Commission, and the fifth person, the chair, is appointed by the four legislative appointees.

The affirmative vote of three members is required to approve the redistricting plan. By November 15th of each year ending in one, the Commission must submit the redistricting plan to the Legislature. The Legislature may modify the plan with a two-thirds majority within the first 30 days of the next legislative session, though no more than two percent of the population of any district may be modified. If the Commission fails to meet this deadline, the state Supreme Court must adopt a plan by April 30th of the year ending in two.

Redistricting in the 2020 Cycle. Shortly before midnight on November 15, 2021, the Commission constituted after the 2020 Census voted to approve congressional and redistricting plans. The Commission approved a formal resolution adopting the plan and transmitted the resolution to the Senate and House of Representatives shortly after midnight the morning of November 16, 2021. Maps and descriptions of the plans were not made publicly available until the evening of November 16, 2021.

The Commission's executive director notified the state Supreme Court that the Commission did not adopt the plan by the midnight deadline and ceded responsibility for redistricting based on the 2020 Census to the court. On December 3, 2021, the Supreme Court found that the Commission had substantially complied with the essential purpose of the deadline and declined to take jurisdiction, placing the Commission's plan before the Legislature.

Summary of Bill: Approval of the Redistricting Plan. The Commission must make any plan publicly available for at least 72 hours before voting to approve the plan. Any amendments to the plan must be debated and voted on in open session. If any amendments to a publicly available plan are approved, at least 24 hours must pass before the Commission votes on final approval of the plan.

Contents of the Redistricting Plan. The final plan submitted to the Legislature must include maps showing the division of the state into congressional and legislative districts and complete descriptions of each district using units such as census tracts and blocks.

Other Provisions. The bill contains a prospective clause and does not apply to any redistricting plans already submitted to the Legislature.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The redistricting process this cycle made clear to me that the understanding we thought we had for 40 years about what constituted a redistricting plan had fallen apart, and we need to be clearer what the necessary components are for such a plan. People should have time to actually look at it, suggest changes and point out flaws. This will make a better, more transparent process.

The Redistricting Commission needs more transparency to restore trust, and there needs to be improved access, including for people with limited English proficiency, and more accountability. The redistricting process broke down, causing mistrust and confusion. After months of work and hours of public testimony, there was a closed-door scramble. There needs to be an opportunity for public input before the maps are finalized and sent to the Legislature. While comprehensive reform is needed, this addresses the most glaring missteps. It's important to take action now, while the process is still fresh in our collective memories.

OTHER: This goes a small way toward correcting the wrongs in the process, but it needs to go further. There are structural issues with the Redistricting Commission. It should be nonpartisan and centered around the community.

Persons Testifying: PRO: Senator Jamie Pedersen, Prime Sponsor; Kathleen Heiman; Carolyn Burger; Karen Crowley; Alison McCaffree, League of Women Voters of Washington.

OTHER: Andrew Hong, Redistricting Justice for Washington; Darrell Powell, NAACP Alaska, Oregon and Washington State Region.

Persons Signed In To Testify But Not Testifying: No one.